

BEFORE THE
POSTAL REGULATORY COMMISSION

Periodic Reporting (Proposal Six)

:
:
:

Docket No. RM2017-10

**UNITED PARCEL SERVICE, INC.'S MOTION REQUESTING
ACCESS TO NON-PUBLIC MATERIALS UNDER
PROTECTIVE CONDITIONS
(September 1, 2017)**

United Parcel Service, Inc. ("UPS") respectfully submits this Motion pursuant to 39 C.F.R. § 3001.21 and 39 C.F.R. § 3007.50 requesting access to a non-public library reference from Docket No RM2017-10 (USPS-RM2017-10/NP2), which the United States Postal Service ("Postal Service") filed with the Commission on August 30, 2017, as part of the Postal Service's proposal relating to improvements in the mail processing and transportation cost models for Parcel Select and Parcel Return Service mail (Proposal Six). The Postal Service has indicated that since USPS-RM2017-10/NP2 updates some of the same materials from USPS-RM2017-10/NP1, for which access was previously granted to specified representatives of UPS and Amazon, the Postal Service "has no objection to the same individuals obtaining access to USPS-RM2017-10/NP2 under the same protective conditions, should they choose to request such access."¹

¹ Notice of Filing of USPS-RM2017-10/NP2 and Application for Nonpublic Treatment, Dkt. No. RM2017-10 (Aug. 30, 2017), at 1-2.

UPS seeks access to these library references for its outside counsel and consultants to assist it in making informed comments regarding Proposal Six. See Order No. 4023. These outside counsel and consultants are identified in Exhibit 1, attached hereto, and each has executed a copy of the Commission's standard protective order conditions.

In determining whether to grant access to non-public data, the Commission "shall balance the interests of the parties based on Federal Rule of Civil Procedure 26(c)." See 39 C.F.R. § 3007.42. UPS's request clearly satisfies this test. The requested non-public library references are directly relevant to Proposal Six, and UPS has a substantial interest in this proposal.

The Commission has initiated a rulemaking proceeding to consider changes to improvements in the mail processing and transportation cost models for Parcel Select and Parcel Return Service mail. See Order No. 4023. Specifically, the Postal Service states that modifications be made to update figures and correct errors in the mail processing cost model and the transportation cost model.² In support of its Petition, the Postal Service has now cited several non-public library references, including USPS-RM2017-10/NP2. Access to the non-public library references is necessary to evaluate the extent to which Proposal Six impacts the cost models for Parcel Select and Parcel Return Service mail. Presently, there is no publically available information contained in Proposal Six that would allow UPS's outside counsel and consultants (or any other commenter) to evaluate those impacts.

² See Petition of the United States Postal Service for the Initiation of a Proceeding to Consider Proposed Changes in Analytical Principles (Proposal Six), Dkt. No. RM2017-10 (July 28, 2017), at 2-17.

Use of the non-public materials in USPS-RM2017-10/NP2 will substantially assist in responding to the arguments raised by the initial comments in this docket. Accordingly, UPS respectfully requests permission for its outside counsel and consultants to use the aforementioned materials for that purpose in this docket.

Respectfully submitted,

UNITED PARCEL SERVICE, INC.,

By: /s/ Steig D. Olson
Steig D. Olson
Quinn Emanuel Urquhart & Sullivan, LLP
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New York, NY 10010
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steigolson@quinnemanuel.com

Attorney for UPS

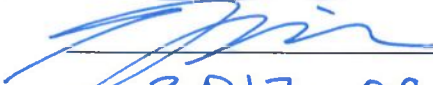
Exhibit 1

1. Steig Olson
2. David LeRay
3. Christopher Seck
4. Andrew Sutton
5. Michael Gulston
6. Kevin Neels
7. Nicholas Powers
8. Jacob Light
9. Angela Lam
10. Nathan Basch
11. Nathan Plein
12. Edward Cho
13. Christine McCaffrey

CERTIFICATION

The undersigned represents that:


Access to these materials provided in the matter identified as Commission Docket No. RM2017-10 by the Postal Service has been authorized by the Commission. The cover or label of the copy obtained is marked with my name. I agree to use the information only for purposes of analyzing matters at issue in the matter identified as Commission Docket No. RM2017-10. I certify that I have read and understand the above protective conditions and am eligible to receive access to materials under paragraph 1 of the protective conditions. I further agree to comply with all protective conditions and will maintain these materials in strict confidence in accordance with all of the protective conditions set out above.

Name	<u>Steig Olson</u>
Firm	<u>Quinn Emanuel Urquhart & Sullivan LLP</u>
Title	<u>Partner</u>
Representing	<u>United Parcel Service</u>
Signature	<u></u>
Date	<u>2017-08-07</u>

CERTIFICATION

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Name	<u>David LeRay</u>
Firm	<u>Quinn Emanuel Urquhart & Sullivan LLP</u>
Title	<u>Associate</u>
Representing	<u>United Parcel Service</u>
Signature	<u></u>
Date	<u>August 7, 2017</u>

CERTIFICATION

The undersigned represents that:

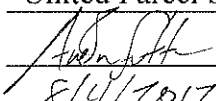
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Name	<u>Christopher Seck</u>
Firm	<u>Quinn Emanuel Urquhart & Sullivan LLP</u>
Title	<u>Associate</u>
Representing	<u>United Parcel Service</u>
Signature	<u></u>
Date	<u>Aug. 4, 2017</u>

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Name	<u>Andrew Sutton</u>
Firm	<u>Quinn Emanuel Urquhart & Sullivan LLP</u>
Title	<u>Associate</u>
Representing	<u>United Parcel Service</u>
Signature	<u></u>
Date	<u>8/4/2017</u>

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Name	<u>Michael Gulston</u>
Firm	<u>Quinn Emanuel Urquhart & Sullivan LLP</u>
Title	<u>Paralegal</u>
Representing	<u>United Parcel Service</u>
Signature	<u></u>
Date	<u>August 7, 2017</u>

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Name	<u>Kevin Neels</u>
Firm	<u>The Brattle Group</u>
Title	<u>Principal</u>
Representing	<u>United Parcel Service</u>
Signature	<u></u>
Date	<u>August 4, 2017</u>

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Name	<u>Nicholas E. Powers</u>
Firm	<u>The Brattle Group</u>
Title	<u>Senior Associate</u>
Representing	<u>United Parcel Service</u>
Signature	<u>Nicholas E. Powers</u>
Date	<u>August 4, 2017</u>

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Name	<u>Jacob Light</u>
Firm	<u>The Brattle Group</u>
Title	<u>Research Analyst</u>
Representing	<u>United Parcel Service</u>
Signature	<u></u>
Date	<u>8/4/17</u>

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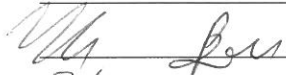
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Name	<u>Angela Lam</u>
Firm	<u>The Brattle Group</u>
Title	<u>Research Analyst</u>
Representing	<u>United Parcel Service</u>
Signature	<u></u>
Date	<u>8/4/17</u>

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Name	<u>Nathan Basch</u>
Firm	<u>The Brattle Group</u>
Title	<u>Research Analyst</u>
Representing	<u>United Parcel Service</u>
Signature	<u></u>
Date	<u>8/7/17</u>

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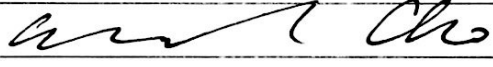
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Name	<u>Nathan Plein</u>
Firm	<u>The Brattle Group</u>
Title	<u>Senior Research Analyst</u>
Representing	<u>United Parcel Service</u>
Signature	<u></u>
Date	<u>8/4/2017</u>

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Name	<u>Edward Cho</u>
Firm	<u>The Brattle Group</u>
Title	<u>Research Analyst</u>
Representing	<u>United Parcel Service</u>
Signature	<u></u>
Date	<u>August 4, 2017</u>

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Name

Christine McCarthy

Firm

The Brattle Group

Title

Administrative Assistant

Representing

United Parcel Service

Signature

Christine McCarthy

Date

8/4/17